

Article - Local Government

[\[Previous\]](#)[\[Next\]](#)

§5–208.

(a) A municipality may provide for the creation, appointment, duties, and powers of a board of port wardens to exercise jurisdiction in the municipality.

(b) (1) A board of port wardens may regulate the placement or construction of structures or other barriers in or on the waters of the municipality.

(2) The board may:

(i) issue licenses to build wharves or piers; and

(ii) issue permits for mooring piles, floating wharves, buoys, and anchors.

(3) When issuing licenses or permits under paragraph (2) of this subsection, the board shall consider:

(i) the present and proposed uses of the waters;

(ii) the effect of the present and proposed uses of the waters on marine life, wildlife, conservation, water pollution, erosion, and navigational hazards;

(iii) the effect of the proposed use of the waters on congestion in the waters;

(iv) the effect of the proposed use of the waters on other riparian property owners; and

(v) the present and projected needs for any proposed commercial or industrial use in or on the waters of the municipality.

(4) The board shall ensure that the improvements do not render navigation too close and confined.

(5) The board may regulate the materials for and construction of the improvements.

(6) This subsection does not affect the zoning power of the municipality.

(c) (1) Unless a person has been granted a license or permit from the board of port wardens, a person may not:

- (i) build a wharf or pier;
- (ii) move any earth or other material for the purpose of building a wharf or pier; or
- (iii) place or construct mooring piles, floating wharves, buoys, or anchors.

(2) A person may not build a wharf or pier:

- (i) a greater distance into the water than approved by the board; or
- (ii) in a different form or of different materials than approved by the board.

(3) A person who violates this subsection is subject to a fine set by the legislative body of the municipality.

(d) A person aggrieved by a decision of a board of port wardens may appeal the decision:

- (1) to the legislative body of the municipality; or
- (2) if authorized by ordinance, to the circuit court of the appropriate county.

[\[Previous\]](#)[\[Next\]](#)